IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 743 OF 2007

Shri Suhas Charudatta Shah ..Petitioner

Vs.

Shri Parshawanath Nagari
Sahakari Patsanstha Ltd. Sangli
and anr. ..Respondents

None for the petitioner.
Mr. Rajesh More, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 12, 2007.

P.C.:

1. This petition impugns the order of conviction and sentence passed in S.C.C. No. 1636 of 2001 by the learned 4th Joint Judicial Magistrate, First Class at Sangli on 13/12/2005. By the said order the petitioner came to be convicted for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to pay a fine of Rs.10,000/- and in default to suffer one month RI. In addition, he has been directed to pay a compensation of Rs.2,75,000/-. This order of conviction and

sentence came to be challenged in Criminal Appeal No. 8 of 2006 which has been dismissed by the learned Sessions Judge at Sangli on 26/9/2006.

2. Both the courts below have concurrently held that the cheque dated 31/3/2001 for an amount of Rs.2,73,000/- was dishonoured, legal notice was issued and from the receipt of the same the petitioner did not take any steps to repay the amount and that the cheque was issued in discharge of the petitioner's legal liability. Hence, there is no case made out to cause interference under Article 227 of the Constitution.

3. The petition is rejected summarily.

(B.H. Marlapalle,J.)